GOVERNMENT OF MYSORE

Food, Civil Supplies and Labour Department

Labour Dispute.—Industrial Dispute between the workmen and the management of M/s. Pais Tailors, Mangalore.

Award of the Labour Court, Mangalore—Published.

Read the following Papers :

(1) Letter No. A/ID. 41/72-73, dated 4th October 1972 from Sri B. Hanumanthaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE THE LABOUR COURT AT MANGALORE

Dated 4th October 1972

Reference (ID) (LCM) No. 41 of 1971

Present

B. Hanumanthaiah, B.Sc., LL.B., Presiding Officer.

Between

I Party—

J. Janardhana, Workman of M/s. Pais Tailors, Mangalore.

AND

II Party—

The Management of M/s. Pais Tailors, Mangalore.

AWARD

The State Government of Mysore being of opinion that there exists a dispute between the workmen and the management of M/s. Pais Tailors, Pais Building, Hampankatta, Mangalore, has referred the said dispute, under Section 10-1(c) of the Industrial

Disputes Act, 1947, to this Labour Court at Mangalore, by its Orde No. FCL 936 LLD 71, dated 3rd November 1971, for adjudication The points of dispute as specified in the order of reference are th following :—

> "(1) Is the management of M/s. Pais Tailors, Pais Building, Hampankatta, Mangalore, justified in dismissing the services of Sri Janardhana, with effect from 17th November 1970?
>
> (2) If not, to what relief is the said workman entitled?"

2. The case of the first party in brief is that the first party workman Sri J. Janardhana was working under the second party as shirt stitcher, and he was working on a piece-rate basis and has been earning Rs. 6 to 7 per day. That on 16th November 1970 and 17th November 1970 the management asked him to stitch some other materials other than shirts and the workman explained that his total emoluments would be reduced. But the management refused him to provide with shirt cloths for stiching. It is further stated that the management issued a charge-sheet and held a domestic enquiry which was conducted by a practising lawyer who is also the legal adviser of the second party. It is alleged that the findings of the enquiry officer are perverse. The first party workman claims that he is entitled for reinstatement in his original post.

3. The second party has filed its statement admitting that the first party workman Sri Janardhana Gatti was a worker under the second party. It is pleaded by the second party that Sri Janardhana Gatti had been doing all the work entrusted to him, and all kinds of works are entrusted to the workers according to the exegencies of times and nature of work to be done. It is stated that the first party workman refused to do the work allotted to him and he was also absenting from work from 16th November 1970 and during such absence he was working in some other establishment. It is also stated that the enquiry held is proper and the workman had been given opportunity to cross-examine the management witnesses and also to examine himself. The management accepted the report made by Enquiry Officer and then made an order of dismissal and the orde passed by the management is proper, just and legal.

4. Now the first party workman has filed a memo stating that the above dispute has been settled out of Court and he does not press the dispute and he may be permitted to withdraw the same. It is also found that first party workman has been working in some other establishment. In these circumstances, I find that the settlement of

the dispute out of Court appears to be true and just. In fact the first party workman is represented by Sri K. Moosabba, President, Mangalore Workers' Union and he has also signed the Memo. Therefore, I accept the Memo filed on behalf of the first party and permit the first party workman to withdraw the dispute as it is reported to have been settled out of Court. Since the Reference is withdrawn by the first party workman, the reference is rejected. The parties shall bear their own costs.

Mangalore,

Dated : 4th October 1972.

B. HANUMANTHAIAH,
Presiding Officer,
Labour Court, Mangalore.

ORDER

Bangalore, dated the 7th November 1972

S. O. 2.—**Whereas** by State Government Order No. FCL 936 LLD 71, dated 3rd November 1972 the Industrial Dispute between the workmen and the management of M/s. Pais Tailors Limited, Mangalore, was referred to the Labour Court, Mangalore for adjudication.

And, whereas the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the **Mysore Gazette**.

[No. FCL 201 LLA 72]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

Under Secretary to Government,
Food, Civil Supplies and Labour Department.